

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Nov 08, 2023**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JARED WINTERER,

Plaintiff,

v.

NO NAMED DEFENDANT,

Defendants.

NO: 1:23-cv-03123-RMP

ORDER DISMISSING ACTION FOR  
FAILURE TO COMPLY WITH  
FILING FEE REQUIREMENTS

By Order filed October 3, 2023, the Court directed Plaintiff Jared Winterer, a *pro se* prisoner at the Stafford Creek Corrections Center, to either pay the applicable \$402.00 filing fee to proceed with this action or to properly seek leave to proceed *in forma pauperis* under the Prison Litigation Reform Act, 28 U.S.C. § 1915. ECF No. 10 at 2–3. Plaintiff was cautioned that his failure to do so would be construed as his consent to the dismissal of this action. *Id.* at 3. Plaintiff has neither paid the filing fee nor returned the application to proceed *in forma pauperis* along with his six-month inmate trust account statement (or institutional equivalent) by the due date of November 2, 2023.

ORDER DISMISSING ACTION FOR FAILURE TO COMPLY WITH FILING  
FEE REQUIREMENTS -- 1

1 Parties filing actions in the United States District Court are required to pay  
2 filing fees. 28 U.S.C. § 1914(a). An action may proceed without the immediate  
3 payment of a filing fee only upon granting of *in forma pauperis* status. *See* 28  
4 U.S.C. § 1915. Failure to pay the statutory filing fee will result in dismissal of  
5 these actions without prejudice. *See Olivares v. Marshall*, 59 F.3d 109, 112 (9th  
6 Cir. 1995) (district court has authority to dismiss without prejudice prisoner  
7 complaint for failure to pay partial filing fee); *In re Perroton*, 958 F.2d 889, 890  
8 (9th Cir. 1992) (affirming dismissal of appeal of pro se litigant for failure to pay  
9 required filing fees).

10 Accordingly, **IT IS ORDERED** that this action is **DISMISSED** without  
11 prejudice for failing to pay the filing fee or filing a properly completed Application  
12 to Proceed *In Forma Pauperis* pursuant to 28 U.S.C. §§ 1914(a) and 1915(a).

13 **IT IS SO ORDERED.** The District Court Clerk is **DIRECTED** to enter  
14 this Order, enter judgment, provide copies to Plaintiff at his last known address and  
15 to **close** the file.

16 **DATED** November 8, 2023.

17  
18 s/ Rosanna Malouf Peterson  
19 ROSANNA MALOUF PETERSON  
20 Senior United States District Judge  
21